

26. (NEW) A multi-directional laminate flooring panel for use in constructing a floor, said panel having at least first and second ends and at least first and second sides, said panel comprising:
a top surface,
a bottom surface,
a middle substrate located between the top and bottom surfaces having grooves formed therein, and
edges extending between the top and bottom surfaces having identical profiles, wherein said bottom surface is coextensive with said substrate at the first and second ends and the first and second sides of the panel.

REMARKS

This Application and specifically the claims have been carefully reviewed in light of the Office Action mailed September 25, 2002. Claims 2, 9-21 and 23-25 were pending in this Application at the time of the Office Action. Claims 1, 3-8, and 22 were previously cancelled by Applicant without prejudice or disclaimer. Claims 2, 9-21 and 23-25 were rejected. To further clarify the invention, Applicant has amended independent Claims 2 and 9 to better define various features of the invention and respectfully submits new independent Claim 26. And Claims 11-18 and 21 have been amended to depend from new independent Claim 26. Claims 11-18 and 26 were previously dependent on now cancelled Claim 10. Applicant respectfully requests reconsideration and favorable action in relation to the amended claims.

Rejection under 35 U.S.C. § 103

Claims 2, 9-21 and 23-25 have been rejected by the Examiner under 35 U.S.C. § 103(a) as being unpatentable over Sweden Patent SE 462809 filed by Barner (hereinafter "Barner") in view of U.S. Patent Number 5,989,668 issued to Nelson *et al* (hereinafter "Nelson *et al*" -- the applicant of the instant application). Applicant respectfully traverses and submits that neither Barner nor Nelson singularly or in combination teach or suggest the claimed edges having profiles with angled portions. Thus, neither Barner nor Nelson, nor the combination of the two, enrich the public with the advantages of the present claimed invention. For example, a review

of Barner discloses the limitation of such a system, *i.e.*, the panels have to be inserted onto a connector from a totally horizontal position, *e.g.*, planar with the support floor -- it is clear Barner's system suffers from its inability to insert tiles flush with a wall of an existing room. Such a system with non-angled edges could only be used in rooms which are quite larger than the floor to be constructed, *e.g.*, in the case of portable dance floors in dance halls and/or sport floors in arenas.

In addition, new Claim 26, and Claims 11-18 and 21 now dependent thereon, are likewise patentably distinct over Barner, Nelson, *et al*, and a combination of Barner and Nelson *et al*. Indeed, Barner discloses "floor elements 1," not panels with a top and bottom surfaces with a substrate therebetween. And to the extent that it can be said that Barner's "floor elements 1" have top and bottom surfaces and some middle portion therebetween, as shown in Figures 2 and 5, the bottom surface 24 is not coextensive with said middle portion of "floor element 1," at the ends of said element. On the contrary, the bottom surface is notched at the end to receive "profiles 10." (Please see Figures 2 and 5.)

And the combination of Nelson *et al* with Barner (which Applicant does not concede is a proper combination under 35 U.S.C. §103), does not fill the gap. At most, Nelson *et al* teaches (relevant to this issue) a "lamine panel." The combination of Nelson *et al* with Barner would result in a "lamine panel" with a notched bottom surface on the ends thereof. New Claim 26 specifically claims a bottom surface which is coextensive at the ends/sides with the middle substrate. Thus, it is respectfully submitted new Claim 26 and Claims 11-18 and 21 now dependent thereon, are patentably distinct over Barner, Nelson *et al* and the combination of Barner and Nelson *et al*. Favorable action is requested.

CONCLUSION

Applicant appreciates the Examiner's careful review of the application. Applicant has made an earnest attempt to place this case in condition for allowance. For the foregoing reasons and for other reasons clearly apparent, Applicant respectfully requests reconsideration and full allowance of the claims, as amended.

An extension of one (1) month is requested and a Notification of Extension of Time under 37 C.F.R. § 1.136 with the appropriate fee of \$110.00 is attached herewith.

ATTORNEY DOCKET
068368.0131

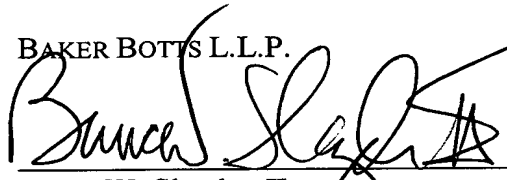
PATENT APPLICATION
09/661,705

Attached hereto is a marked-up version of the changes made to the specification and claims by the current amendments. The attached pages are captioned "**Version with Markings to Show Changes Made.**"

The Commissioner is hereby authorized to charge any fees or credit any overpayment to Deposit Account No. 02-0383 of Baker Botts L.L.P. If there are any matters concerning this application that may be cleared up in a telephone conversation, please contact Applicants' attorney at 512.322.2606.

Respectfully submitted,

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS:

Please amend Claims 2, 9, 11-18, 21, cancel Claims 10, 19, 20, 23, 24 and 25 and add Claim 26 as follows:

2. **(Twice Amended)** A multi-directional laminate flooring panel for use in constructing a floor, said panel comprising:

a top surface, a bottom surface, a middle substrate, said middle substrate having identical grooves formed therein, and [sides]edges extending between the top and bottom surfaces, [wherein] said [sides have]edges including identical [grooved] profiles having angled portions, wherein the thickness of the panel ranges from about .240 inches to about .320 inches.

9. **(Twice Amended)** A multi-directional laminate flooring panel for use in constructing a floor, said panel comprising:

a top surface, a bottom surface and [sides]edges extending between the top and bottom surfaces, and a middle substrate located between the top and bottom surfaces, said substrate having identical grooves formed therein, [wherein] said [sides have]edges comprising identical [grooved] profiles having portions angled relative said surfaces, [and] wherein the middle substrate of the panel comprises a material selected from the group of materials consisting of medium density fiberboard, high density fiberboard, wood/plastic compositions, woods, ceramics, unfilled plastics, filled plastics, closed-cell rigid foams, and combinations thereof.

Please cancel Claim 10 without prejudice or disclaimer.

11. **(Amended)** A [system]panel as claimed in claim [10]26, wherein the thickness of [each] said panel [of said at least two panels] ranges from about .240 inches to about .320 inches.

VERSION WITH MARKINGS TO SHOW CHANGES MADE

12. (Amended) A [system]panel as claimed in claim [10]26, wherein each [recessed profile comprises a] groove is identical.

13. (Amended) A [system]panel as claimed in claim [10]26, wherein each [recessed] profile extends substantially the entire length of the side.

14. (Amended) A [system]panel as claimed in claim [10]26, wherein each [recessed profile] groove extends to and intersects with a [recessed profile] groove of another side or end.

15. (Amended) A [system]panel as claimed in claim [10]26, further comprising channels in the bottom surface of [each] said panel that correspond to the sides of said panel.

16. (Amended) The [system]panel of claim 15, wherein one channel in the bottom surface of [each] said panel extends substantially the entire length of the corresponding side.

17. (Amended) The [system]panel of claim 15, wherein one channel in the bottom surface of [each] the panel extends to and intersects with another channel.

18. (Amended) The [system]panel of claim [10]26, wherein [each] the panel has a geometry selected from the group of geometries consisting of a square, rectangle, triangle, pentagon, hexagon and octagon.

Please cancel Claim 19 without prejudice or disclaimer.

Please cancel Claim 20 without prejudice or disclaimer.

VERSION WITH MARKINGS TO SHOW CHANGES MADE

21. (Amended) A [system]panel as claimed in claim [10]26, [wherein each panel further comprises a middle substrate between said top and bottom surfaces,]wherein the middle substrate comprises a material selected from the group of materials consisting of medium density fiberboard, high density fiberboard, wood/plastic compositions, woods, ceramics, unfilled plastics, filled plastics, closed-cell rigid foams, and combinations thereof.

Please cancel Claim 23 without prejudice or disclaimer.

Please cancel Claim 24 without prejudice or disclaimer.

Please cancel Claim 25 without prejudice or disclaimer.

26. (NEW) A multi-directional laminate flooring panel for use in constructing a floor, said panel having at least first and second ends and at least first and second sides, said panel comprising:

- a top surface,
- a bottom surface,
- a middle substrate located between the top and bottom surfaces having grooves formed therein, and
- edges extending between the top and bottom surfaces having identical profiles, wherein said bottom surface is coextensive with said substrate at the first and second ends and the first and second sides of the panel.